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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,111	09/02/2005	James Hoffman	657P003-US	2873
42754 7590 04/10/2007 NIELDS & LEMACK 176 EAST MAIN STREET, SUITE 7 WESTBORO, MA 01581			EXAMINER OSMAN, RAMY M	
			ART UNIT 2157	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 04/10/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/530,111	Applicant(s) HOFFMAN ET AL	
	Examiner Ramy M. Osman	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 12-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This communication is responsive to applicants amendment filed on January 8, 2007, where applicant elected Group *I*, i.e. claims 1-11,20-25, and withdrew Group *II* i.e claims 12-19. Claims 1-25 are pending.

Election/Restrictions

2. Applicant's election of Group *I* (claims 1-11,20-25) in the reply filed on 1/8/2007 is acknowledged.
3. The remaining claims are drawn to non-elected claims and are therefore withdrawn from further consideration.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the limitation "the path between said server and said network" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-8,20-25 rejected under 35 U.S.C. 102(e) as being anticipated by Ikonen (US Patent No 7,003,575).**

8. In reference to claims 1,3,24,25 Ikonen teaches a method and a respective computer program product of instructions both corresponding to operating a computer network server in a computer network having a central node wherein said network comprises at least one client authorized to access said server, wherein said server has a listening port, accessible during a predetermined time, comprising:

maintaining a connection with a central node; receiving a command from said central node to open a listening port after said central node receives a request from said at least one client to access said server (column 8 lines 55-67);

opening said listening port; sending to said central node instructions for said client to connect to said server over said listening port *column 8 lines 61-65); and

receiving communication from said client over said listening port after said central node delivers a command to said at least one client to connect to said server (column 9 lines 21-30).

9. In reference to claim 2, Ikonen teaches the method of claim 1, further comprising providing a network device, said network device being selected from the group consisting of

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firewalls, proxy servers, and network translation devices, said network device being in the path between said server and said network (figure 8).

10. In reference to claim 4, Ikonen teaches the method of claim 3, whereby said predetermined time is less than one second (column 10 lines 1-30).

11. In reference to claim 5, Ikonen teaches the method of claim 3, whereby said server closes said listening port after receipt of said communication (column 9 lines 15-35, closing the port is inherent).

12. In reference to claim 6, Ikonen teaches the method of claim 3, whereby said server establishes a network connection with said client after receipt of said communication (column 9 lines 15-35).

13. In reference to claim 7, Ikonen teaches the method of claim 3, whereby said server closes said listening port if it receives communication from other than said at least one client (column 10 lines 1-30).

14. In reference to claim 8, Ikonen teaches the method of claim 3, whereby said server maintains a persistent network connection to said central node (column 8 lines 55-67).

15. In reference to claim 20, Ikonen teaches a computer system, comprising a central node, a server and at least one authorized client, wherein said server is adapted to receive notification from said central node that said authorized client wishes to communicate with said server and in response to said notification, is adapted to open a listening port for said authorized client to connect to and sends instructions to said central node to notify said authorized client to communicate to said listening port (column 8 lines 55-67 and column 9 lines 15-35).

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16. In reference to claim 21, Ikonen teaches the computer system of claim 20, wherein said server is adapted to close said listening port if a device other than said authorized client attempts to communicate to said listening port (column 9 lines 15-35, closing the port is inherent).

17. In reference to claim 22, Ikonen teaches the computer system of claim 20, wherein said server is adapted to establish a network connection with said authorized client after said authorized client communicates to said listening port (column 9 lines 15-35).

18. In reference to claim 22, Ikonen teaches the computer system of claim 20, wherein said server is adapted close said listening port after receipt of said communication from said authorized client (column 9 lines 15-35, closing the port is inherent).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Ikonen (US Patent No 7,003,575).

21. In reference to claims 9-11, Ikonen teaches the method of claim 3. Ikonen fails to explicitly teach wherein the command, instructions and communication are encrypted. However, "Official Notice" is taken that encrypting communication packets is old and well known in the art for the purpose of establishing secure communications between sender and receiver.

Therefore, it would have been obvious for one of ordinary skill in the art to modify Ikonen

wherein the command, instructions and communication are encrypted for the purpose of establishing secure communications between sender and receiver.

Conclusion

22. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that the entirety of the reference (including any figures, incorporation by references, and claims) is being applied to teach the scope of the claims. It is respectfully requested that applicant consider the reference as a whole when preparing a response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO

April 1, 2007


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